

LAST MINUTE AGENDA INFORMATION

08/21/19 Regular Council Meeting

(Agenda Related Writings/Documents provided to a majority of the City Council after distribution of the Agenda Packet for the August 21, 2019 Regular and Special meeting.)

<u>ITEM NO.</u>	<u>DESCRIPTION</u>
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5.3	<p>CERTIFICATION OF 2017 CITIZEN INITIATIVE REGARDING CANNABIS ACTIVITIES AND CONSIDERATION OF RESOLUTIONS BY THE CITY COUNCIL TO (1) ADOPT THE INITIATIVE AS-IS; (2) PUT THE INITIATIVE ON AN UPCOMING BALLOT, CALL NEXT REGULAR MUNICIPAL ELECTION AND REQUEST CONSOLIDATION WITH STATEWIDE ELECTION; OR (3) REQUEST A REPORT. (0430-20)</p> <ul style="list-style-type: none">a. Attachment 4: Resolution No. 2019-8080 calling the next regular municipal election, requesting consolidation, and adding the proposed measure to the ballot for the November 3, 2020 Election.b. Attachment 5: Resolution No. 2019-8081 setting priorities for filing written arguments.c. Attachment 6: Resolution No. 2019-8082 providing for the filing of rebuttal arguments.d. Attachment 7: Resolution No. 2019-8083 ordering a report pursuant to Elections Code section 9212.
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RESOLUTION NO. 2019-8080**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, ORDERING THE SUBMISSION TO THE VOTERS OF A PROPOSED ORDINANCE RELATING TO CANNABIS ACTIVITIES AND REQUESTING CONSOLIDATION WITH THE STATEWIDE GENERAL ELECTION**

WHEREAS, under the provisions of the laws relating to General Law Cities in the State of California, the next general municipal election can be held on November 3, 2020;

WHEREAS, pursuant to authority provided by statute, an initiative petition relating to cannabis activities has been filed with the legislative body of the City of Imperial Beach, California ("City") and has been signed by not less than ten percent (10%) of the number of registered voters of the City; and

WHEREAS, the Registrar of Voters of the County of San Diego ("Registrar") has examined the records of registration and ascertained that the petition has been signed by the requisite number of voters; and

WHEREAS, the City Clerk, as elections official, has certified the petition as sufficient, and presented the results thereof to the City Council on August 21, 2019, in accordance with Elections Code sections 9211 and 9114; and

WHEREAS, the City Council has not elected to adopt the ordinance; and

WHEREAS, the City Council desires to call its next regular municipal election and submit the proposed ordinance, without alteration, to the voters at the City's next regular municipal election occurring not less than eighty-eight (88) days after the date of the order of election, in compliance with Elections Code section 9215.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Imperial Beach, California, on Tuesday, November 3, 2020, a General Municipal Election for the purpose of submitting to the voters the following proposed ordinance:

Shall the measure amending marijuana regulations in the City of Imperial Beach to allow cannabis retailers, cannabis consumption lounges, and cannabis manufacturing sites, without size or number restrictions, in mixed use, commercial zones pursuant to conditional use permits and setting regulations for their operations; to allow personal use indoor cultivation of cannabis; and to require a skilled and trained workforce be used for construction and engineering activities for such commercial cannabis operations be adopted?	<p>Yes</p> <p>No</p>
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SECTION 2. That the ordinance to be placed before the voters is attached as Exhibit "A" hereto. That the City does not request the Registrar to print the entire text of the ordinance in the voter information materials. That the ballots to be used at the election shall be in form and content as required by law.

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SECTION 3. That the vote requirement for the measure to pass is a majority (50% +1) of the votes cast.

SECTION 4. That the City Clerk is authorized, instructed, and directed to coordinate with the Registrar to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 5. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code section 10242, except as provided in section 14401 of the Elections Code of the State of California.

SECTION 6. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 8. That the City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

SECTION 10. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of the County of San Diego.

SECTION 11. That the City requests that the County of San Diego agree to consolidate the General Municipal Election with the Statewide General Election and take such steps as are proper and lawful to accomplish the consolidated election.

SECTION 12. That the consolidated election will be held and conducted in the manner prescribed in Elections Code section 10418.

SECTION 13. That the Board of Supervisors of the County of San Diego is hereby requested to permit the San Diego County Registrar of Voters to perform and render all services and proceedings, and to procure and furnish any and all official ballots, notices, printed matter and all supplies and equipment and paraphernalia incidental to and connected with the conduct of the subject election, in order to properly and lawfully conduct such election. That the City requests that the Registrar of Voters of the County of San Diego canvass the returns and hold the election as if it were only one election with one form of ballot. That the City requests that the Board of Supervisors issue instructions to the Registrar of Voters to take any and all steps for the holding of the consolidated election and canvassing the returns.

SECTION 14. That the County of San Diego shall be reimbursed in full for the services performed by the San Diego County Registrar of Voters by the City of Imperial Beach upon presentation of a proper invoice, including reimbursement for any additional costs to consolidate the election, and the City agrees to indemnify and save free and harmless the County, its officers, agents and employees from expense or liability, including reasonable attorneys' fees, as a result of an election contest arising after conduct of this election.

SECTION 15. That the City Clerk is directed to transmit a copy of the proposed ordinance to the City Attorney. The City Attorney is directed to prepare an impartial analysis of the proposed ordinance pursuant to Elections Code section 9280. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held this 21st day of August, 2019 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

SERGE DEDINA, MAYOR

ATTEST:

JACQUELINE M. KELLY, MMC
CITY CLERK

RESOLUTION NO. 2019-8081**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A PROPOSED ORDINANCE RELATING TO THE REGULATION OF CANNABIS ACTIVITIES**

WHEREAS, a General Municipal Election is to be held in the City of Imperial Beach, California, on November 3, 2020, at which there will be submitted to the voters the following question:

<p>Shall the measure amending marijuana regulations in the City of Imperial Beach to allow cannabis retailers, cannabis consumption lounges, and cannabis manufacturing sites, without size or number restrictions, in mixed use, commercial zones pursuant to conditional use permits and setting regulations for their operations; to allow personal use indoor cultivation of cannabis; and to require a skilled and trained workforce be used for construction and engineering activities for such commercial cannabis operations be adopted?</p>	<p>Yes</p> <p>No</p>
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WHEREAS, Elections Code section 9282 authorizes the filing of written arguments for and against measures placed on the ballot by petition, with priority determined according to state law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. Ballot arguments shall be accepted for and against this measure in the manner required by law. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk, in accordance with Elections Code section 9286(b), after which no arguments for or against the measure may be submitted to the City Clerk. The arguments shall be accompanied by the Form of Statement to Be Filed by Author(s) of Argument as supplied by the City Clerk.

SECTION 2. The City Council authorizes the Mayor to file a written argument on its behalf regarding the measure, accompanied by up to four additional printed names and signatures of the persons joining the Mayor in submitting it, pursuant to Elections Code sections 9282 and 9287.

SECTION 3. The City Attorney's impartial analysis pursuant to Elections Code section 9280 shall be filed by the date set by the City Clerk for the filing of primary arguments.

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PASSED, APPROVED AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held this 21st day of August, 2019 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

SERGE DEDINA, MAYOR

ATTEST:

JACQUELINE M. KELLY, MMC
CITY CLERK

RESOLUTION NO. 2019-8082**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES IN THE NOVEMBER 3, 2020 ELECTION**

WHEREAS, a General Municipal Election is to be held in the City of Imperial Beach, California, on November 3, 2020, at which there will be submitted to the voters the following question:

Shall the measure amending marijuana regulations in the City of Imperial Beach to allow cannabis retailers, cannabis consumption lounges, and cannabis manufacturing sites, without size or number restrictions, in mixed use, commercial zones pursuant to conditional use permits and setting regulations for their operations; to allow personal use indoor cultivation of cannabis; and to require a skilled and trained workforce be used for construction and engineering activities for such commercial cannabis operations be adopted?	<p>Yes</p> <p>No</p>
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and;

WHEREAS, Section 9285 of the Elections Code of the State of California authorizes the City Council, by majority vote, not later than the day on which the legislative body calls an election, to adopt provisions to provide for the filing of rebuttal arguments for city measures submitted at municipal elections.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That, pursuant to section 9285 of the Elections Code of the State of California, when the City Clerk has selected the arguments for and against a measure that will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of any argument against, and copies of the argument against to the authors of any argument in favor. The author or a majority of the authors of an argument may prepare and submit rebuttal arguments not exceeding 250 words or may authorize, in writing, any other person or persons to prepare, submit, or sign the rebuttal argument.

SECTION 2. That all previous resolutions providing for the filing of rebuttal arguments for city measures are repealed.

SECTION 3. That the provisions of Section 1 shall apply only to the election to be held on November 3, 2020, and shall then be repealed.

Date: 8/21/19 Item No. 5.3
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PASSED, APPROVED AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held this 21st day of August, 2019 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

SERGE DEDINA, MAYOR

ATTEST:

JACQUELINE M. KELLY, MMC
CITY CLERK

RESOLUTION NO. 2019-8083**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ORDERING A REPORT PURSUANT TO ELECTIONS CODE SECTION 9212 ON THE PROPOSED ORDINANCE RELATING TO THE REGULATION OF CANNABIS ACTIVITIES**

WHEREAS, pursuant to authority provided by statute, an initiative petition relating to the regulation of cannabis activities has been filed with the legislative body of the City of Imperial Beach, California ("City") and has been signed by not less than ten percent (10%) of the number of registered voters of the City; and

WHEREAS, the Registrar of Voters of the County of San Diego has examined the records of registration and ascertained that the petition has been signed by the requisite number of voters; and

WHEREAS, the City Clerk, as elections official, has certified the petition as sufficient, and presented the results thereof to the City Council on August 21, 2019, in accordance with Elections Code sections 9211 and 9114; and

WHEREAS, the City Council desires that a report pursuant to Elections Code section 9212 be prepared relating to the proposed ordinance, in accordance with subsection (c) of Elections Code section 9215.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That, pursuant to section 9212 of the Elections Code, and in accordance with subsection (c) of section 9215 of the Elections Code, the City Manager or his designee is directed to prepare a report addressing concerns raised in public comment or by Council members at the Council meeting on August 21, 2019 regarding the proposed ordinance. The report shall be presented to the City Council on _____, 2019, or before if ordered by the Council, but in no event later than 30 days after the City Clerk has certified the sufficiency of the petition to the City Council.

SECTION 2. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

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PASSED, APPROVED AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held this 21st day of August, 2019 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

SERGE DEDINA, MAYOR

ATTEST:

JACQUELINE M. KELLY, MMC
CITY CLERK